BARREL UNDER THE TOMBS.

the contract to erect the new City Prison on the

site of the old one. The Carlins tried to get the

Water Purveyor to do the job, and three labor

ers were sent to make an investigation. The

laborers found the big pipes leaking into the old Tombs cellar, and it looked as if the build-

ing adjoining, known as the 1885 prison, would

be undermined. The department laborers told

the contractors that the water might wash

away the prison foundations, but that the de-

partment was busy on other work. The only

thing to be done was to make a dam in the old

Tombs cellar and throw the water over to an old

The contractors put a gang of men to work for

this purpose in the Franklin street side of the

cellar. In digging there they uncarthed four

One of the oldest of these records was an ap-

prenticeship indenture, dated Oct. 24, 1797, read

Printed by J. Harrison, Yorlok's Head, S Feek Site

ing as follows:

"Printed by J. Harrison, Yorick's Head, 3 Feek Sitp.

"This Indenture — Witnesseth, That Elizabeth Smith, of the city of New York hath put herself and by these presents by and with the consent of her father, Itobert Smith, of the said city doth voluntarily, and of her own free will and accord, put herself an apprentice to Mary Murphy of the city aforesaid, Milliner, to learn the art trade and mystery of a milliner and after the manner of an apprentice, to serve from the day of the date hereof for and during, and until the full end and term of six years eight months and five days next ensuing: During all of which time the said apprentice her said mistress shall faithfully serve, her secrets keep, her lawful commands everywhere readily obey; She shall not whate her said mistress's goods nor lead them unlawfully to any: She must not contract matrimony within the said term; At Cards, Dice, or any other unlawful game she shall not play, whereby her said mistress may have damage; She shall neither buy nor sell: She shall not absent herself day or night from her said mistress's service, nor haunt Ale houses, Taverns or Play-houses; but in all things behave as a faithful apprentice ought to do. And the said mistress shall use her utmost endeavor to teach, or cause to be taught, or instructed the said apprentice in the trade or mystery of a milliner, and procure and provide for her sufficient food, drink, washing, lodging and apparel fitting for an apprentice, during the said term. And for the true performance of all and singular the covenants and agreements aforesaid, the said parties bind themselves each unto the other irmly by these presents. In witness whereoff, the said parties have interchangeably set their hands and seals hereunto. Dated the 24th Day of October, in the 20th year of the independence of the United States of America and in the year of our Lord, One Thousand, Seven Hundred and Ninety-seven.

is 110 years old.
Looking over the documents of more recent
date, John O'Conner, the foreman of the gang of
men tearing down the Tombs, found the following:

Here is enother sample of court examinations, which showed that in the twenties it was dangerous for an out-of-town resident to get into New York:

"City of New York, ss.

"Charles Armstrong, brought up with a large quarter of fresh pork, says that he bought it this morning before daylight in the Chatham Market for thirteen shillings from a man. Is 29 years of age. Works in Jersey and lives there. Buspicious; cause, has no home in this city.

"Taken down this 22d Oct r, 1827.

"J. Hopson."

The indorsement on the papers shows that the pork was taken away from Charles, and that he or the pork was discharged two days after the pork had been committed to the Bridewell.

Here are two peculiar affidavits picked up in the Tomba cellar:

Fork.

Charles Armstrong, \$22 Oct., 1827.
Oct. 23—Pork sent to Bridewell.
Oct. 25—Discharged—C.

Here is the indorsement:

'Sealed and delivered)

in the presence of Ebenezer F. Burling,

ELIZABETH X SMITH.

barrels of old records in what appeared to be

dungeon, used later as a storeroom.

ewer culvert.

OSCAR WILDE'S PROTEST AGAINST BARBARIC METHODS. Children Treated Shamefully, Men Driven

Insage-Plans for the Queen's Jubilee-The

ttide in Modern War-An Antiquarian Find. LONDON, May 28 .- I sent to THE SUN by cable o-day some extracts from a letter written by Ownr Wilde about the rank cruelty and inhumanity of the English penal system, with special reference to its application to children. I decribed the letter as a remarkable one, and such, indeed, it is from every point of view. It is a calm, temperate, impersonal, but overwhelming indictment of a system which it is charitable and mild to describe as a survival of barbarism in a civilized country. The letter is remarkable in the first place on account of its source. It is from the pen of a man, who, quite aside from any question of morals, was two years ago a blatant, insufferable eroist, a precomptuous, conceited juggler of emotions and epigrams. He has come out from two years' imprisonment and written a letter in which is no word of personal complaint, but which will assuredly prove a powerful influence toward the abolition of the greatest surviving disgrace of the British nation. It is a plain, straightforward presentation of fact and argument, without a trace of the capricism, intolerance, and literary montebankism which have characterized the work of this man ever since he first sought pubtie notoriety. Moreover, what he has to say is intensely interesting, as I shall leave the reader to judge by quoting freely from such portions o the letter as I have not already dealt with by

"People nowadays do not understand what cruelty is. They regard it as a sort of terrible mediaval passion, and connect it with the race of men like Eccelin da Romano and others, to whom the deliberate infliction of pain gave a real madness of pleasure. But men of the stamp of Eccelin are merely abnormal types of perverted individualism. Ordinary cruelty is simply stupidity. It is the entire want of imagination. It is the result of our days of stereotyped systems, of hard-and-fast rules, and of stupidity. ever there is centralization there is stupidity. What is luhuman in modern life is officialism. Authority is as destructive to those who exer cise it as it is to those on whom it is exercised. It is the Prison Board, and the system it carries out, that is the primary source of the cruelty that is exercised on a child in prison. The people who uphold the system have excellent intentions. Those who carry it out are humane in intention also. Responsibility is shifted on to the disciplinary regulations. It is supposed that because a thing is the rule it is right.

"As regards the children, a great deal has been talked and written lately about the contaminating influence of prison on young children. What is said is quite true. A child is utterly contaminated by prison life. But the contaminating influence is not that of the prisoners. It is that of the whole prison system-of the Governor, the chaplain, the warders, the lonely cell, the isolation, the revolting food, the rules of the Prison Commissioners, the mode of discipline, as it is termed, of the life. Every care is taken to isolate a child from the sight even of all prisoners over sixteen years of age. Children sit behind a curtain in chapel, and are sent to take exercise in small, sunless yardssometimes a stone-yard, sometimes a yard at the back of the mills-rather than that they should see the elder prisoners at exercise. But the only really humanizing influence in prison is the influence of the prisoners. Their cheerfulness under terrible circumstances, their sympathy for each other, their humility, their gentleness their pleasant smiles of greeting when they meet each other, their complete acquiescence in their punishments, are all quite wonderful, and I myself learned many sound lessons from them. I am not proposing that the children should not sit behind a curtain in chapel, or that they should take exercise in a corner of the common yard. I am mercly pointing out that the bad in fluence on children is not, and could never be, that of the prisoners, but is, and will always remain, that of the prison sys-tem itself. There is not a single man in Reading jail that would not gladly have done the three children's punishment for them. When I saw them last it was on the Tuesday following their conviction. I was taking exercise at half-past 11 with about twelve ther men, as the three children passed near us, in charge of a warder, from the damp, dreary stoneyard in which they had been at their exercise. I saw the greatest pity and sympathy in and day after day as I tramped the yard I used to feel with pleasure and comfort what Cariyle calls somewhere 'the silent rhythmic charm of uman companionship.' In this, as in all other things, philanthropists and people of that kind are astray. It is not the prisoners who need reformation. It is the prisons.

"Of course no child under fourteen years of age should be sent to prison at all. It is an absurdity, and, like many absurdities, of absolutely tragic results. If, however, they are to be sent to prison, during the daytime they should be in a workshop or schoolroom with a warder. At night they should sleep in a dormitory, with a night warder to look after them. They should day. The dark, badly-ventilated ill-smelling ison cells are dreadful for a child, dreadful in deed for any one. One is always breathing bad air in prison. The food given to children should consist of tea and bread and butter and soup. Prison soup is very good and wholesome. A resolution of the House of Commons could settle the treatment of children in half an hour. I hope you will use your influence to have this The way that children are treated at present is really an outrage on humanity and common sense. It comes from stupidity.

"Let me draw attention now to another terrible thing that goes on in English prisons, indeed in prisons all over the world where the system of silence and cellular confinement is practised. I refer to the large number of men who become insane or weak-minded in prison. In convict prisons this is, of course, quite common; but in ordinary jails also, such as that I was confined in, it is to be found.

About three months ago I noticed among the prisoners who took exercise with me young man who seemed to me to be silly or half-witted. Every prison, of course, has its half-witted clients, who return again and again, and may be said to live in the prison. this young man struck me as being more than usually half-witted on account of his silly grin and idiotic laughter to himself, and the cultar restlessness of his eternally twitching hands. He was noticed by all the other prison ers on account of the strangeness of his conduct From time to time he did not appear at exercise which showed me that he was being punished by confinement to his cell. Finally, I discovered hat he was under observation and being did appear at exercise he always seemed hysterical and used to walk around crying or laughing. At chapel he had to sit right under the observa tion of two warders, who carefully watched him all the time. Sometimes he would bury his head in his hands, an offence against the chapel regulations, and his head would be immediately truck up a warder so that he should keep his eyes fixed permanently in the direction of the communion table. Sometimes he would cry-not making any disturbance-but with tears streaming down his face and a hysterical throbbing in the throat. Sometimes he would Erin idiot-like to himself and make faces. He as on more than one occasion sent out of chapel to his ce'l, and of course he was continually pun As the bench on which I used to sit in chanel was directly behind the bench at the end of which this unfortunate man was placed I had full opportunity of observing him. I also saw of course, at exercise continually, and I that he was becoming insane, and was he treated as if he was shamming.

On the other hand, if traffic is forbidden on the startled by the prison silence being broken by the most horrible and reveiling.

But if traffic is allowed in the evening the omnibuses of viewing the mentioned the woman's name, but so low that no one heard it. He said he brought this suit illuminations, and the fare will be five guineas—

\$25—for the evening.

On the other hand, if traffic is forbidden on the great night, the same work and the same then he took the papers.

shricks, or rather howls, for at first I thought ome animal like a bull or a cow was being unskilfully slaughtered outside the prison walls, I soon realized, however, that the howls proceeded from the basement of the prison, and I knew that some wretched man was being flogged. I need not say how hideous and terrible it was for me, and I began to wonder who it was who was being punished in this revolting manner. Suddenly it dawned upon me that they might be flogging this unfortunate lunatic, My feelings on the subject need not be chron

icled; they have nothing to do with the question "The next day, Sunday, 16th, I saw the poor fellow at exercise, his weak, ugly, wretched face bloated by tears and hysteria almost beyond recognition. He walked in the centre ring along with the old men, the beggars, and the lame people, so that I was able to observe him the whole time. It was my last Sunday in prison, a perfectly lovely day, the finest day we the whole year, and there, in the beautiful sunlight, walked this poor creature-made once in the image of God-erinning like an ane and making with his hands the most fantastic gestures, as though he was playing in the air on some invisible stringed instrument, or arranging and dealing counters in some curious game. All the while these hysterical tears, without which none of us ever saw him, were making solled runnels on his white swollen face. The hideous and deliberate grace of his gestures made him like an antic. At a recent meeting of the Royal United He was a living grotesque. The other prisoners all watched him, and not one of them smiled. Everybody knew what had happened to him, and that he was being driven insane—was in-sane already. After half an hour he was or-

corner of the stoneyard, walking in charge of s warder. "On the Tuesday-my last day in prison-l saw him at exercise. He was worse than before, and again was sent in. Since then I know nothing of him, but I found out from one of the prisoners who walked with me at exercise that he had had twenty-four larbes in the cookhouse on Saturday afternoon, by order of the visiting Justices on the report of the doctor. The howls that had horrified us all were his,

dered in by the warder, and, I suppose, punished,

At least he was not at exercise on Monday,

though I think I caught sight of him at th

"This man is undoubtedly becoming insane. Prison doctors have no knowledge of mental disease of any kind. They are as a class ignorant men. The pathology of the mind is unknown to them. When a man grows insane they treat him as shamming. They have him punished again and again. Naturally the man beomes worse. When ordinary punishments are exhausted the doctor reports the case to the fustices. The result is flogging. Of course the flogging is not done with a cat-o'-nine-talls. It is what is called birching. The instrument is a rod; but the result on the wretched half-witted man may be imagined.

"His number is, or was, A. 2.11. I also managed to find out his name. It is Prince. Something should be done at once for him. He is a soldier, and his sentence is one of court-martial. The term is six months. Three have yet to run "No report by the Medical Commissioners is of any avail. It is not to be trusted. The medical inspectors do not seem to understand the difference between idiocy and lunacy between the entire absence of a function or organ and the diseases of a function or organ. This man A. 2.11 will, I have no doubt, be able to tell his name, the nature of his offence, the day of the month, the date of the beginning and expiration of his sentence, and answer any ordinary simple question; but that his mind i diseased admits of no doubt. At present it is a corrible duel between himself and the doctor. The doctor is fighting for a theory. The man is fighting for his life. I am anxious that the man should win. But let the whole case be examned into by experts who understand brain disease, and by people of humane feelings who have still some common sense and some pity. There is no reason that the sentimentalist should be asked to interfere. He always does

"The case is a special instance of the cruelty inseparable from a stupid system, for the present Governor of Reading is a man of gentle and humane character, greatly liked and respected by all the prisoners. He was appointed in July last, and though he cannot alter the rules of the prison system, he has altered the spirit in which they used to be carried out under his predeces sor. He is very popular with the prisoners and with the warders. Indeed, he has quite altered the whole tone of the prison life. Upon the other hand, the system is, of course, beyond his reach as far as altering its rules is concerned. I have no doubt that he sees daily much of what the eyes of my companions as they looked at | he knows to be unjust, stupid, and cruel. But them. Prisoners are, as a class, extremely kind | his hands are tied. Of course, I have no knowland sympathetic to each other. Suffering and | edge of his real views of the case of A. 2.11, nor. indeed, of his views on our present system. merely judge him by the complete change he brought about in Reading Prison. Under his predecessor the system was carried out with the greatest harshness and stupidity."

Jubilee, tonjours Jubilee! The subject no

longer has novelty to commend it. But to be in London and even pretend to ignore it is impos sible. In one way or another it confronts you at every turn. The town is gradually filling up. Not only are her provincial subjects flocking to London to see the Queen, but every day witnesses the arrival of fresh crowds of foreign vis itors. In addition to the ordinary civilized guest-paying guest, by the way, very payingfrom America, the Continent, and the colonies. come the more picturesque representatives of all kinds of out-of-the-way places and peoples. Native troops and police of all sorts, sizes, and colors are here-Turkish Zaptiehs from Cyprus, with their gorgeously decked ponies; Houssas from the gold coast, black as ebony; Dyaks from Borneo, with murderous knives decked with locks of hair, the origin of which it is perhaps wise not to inquire into too closely-all these and many others will make the procession of Jun 22 picturesque in the extreme. Besides. there are the resplendent representatives of Oriental potentates. The Chinese visitors who arrived yesterday, twenty of them, ex clusive of servants, brilliant in silks of various hue, would by themselves be enough to decorate a whole procession. And indeed an occasional glimpse of something picturesque in the main streets of London is very welcome. For the city is taking on a very unlovely aspect Armies of carpenters seem to have been called in for the purpose of dressing her in planks. St. Paul's, the National Gallery, every building or the long route of the procession is clothed in pine planking, and the effect is very strange.

An industrious contributor to a London paper has been getting together statistics which show how the carpenter just now is the king of London, a king, too, so greatly in demand that he has been able to strike for higher wages, and get them. From Hyde Park corne to St. James's street, 1,650 yards, dense wooden James's street, short as it is, will find room on its timber shelves for 2,250, and from St. James's street to Regent street there will be a chain of seats 8,500 feet long in single, double, or trobic tiers. From this point to St. Martin-in-the Fields' Church the stands erected will hold some 8,000. The Charing Cross station stand will represent a mass of 630 tons of wood and 412 tons of iron in bolts, nuts, and nails. The Strand Fleet street, Ludgate Hill, St. Paul's churchyard, and Cheapside have eight or nine stands, with a seating surface of nearly 200,000 feet, which will give a view to 132,218 onlookers. And so on, the unwearying statistician piles up his figures along the whole route, winding up with the calculation that from start to finish the Queen will have been cheered, and perhaps seen, by 229,910 men, women and children seated on temporary stands of a total weight of 79,063 tons of timber and 564 tons of iron. The final touch is that these seats put end to end would stretch sixty-four miles.

How the crowds in the streets will fare remains to be seen. The police have not yet issued their regulations. But the manager of the London Road Car Company fears that no traffic will be allowed on any part of the route the whole day. But if traffic is allowed in the evening the omni-

fares will prevail the next night. The London OLDNEW YORK DAYS DUG UP cabby is not looking forward to jubilee day with any pleasure. Many of the cabmen declare

would take little or nothing in fares. Nor is the cabby the only disappointed man, In spite of the enormous crowds the jubilee festivities will attract, the senson is likely to be somewhat stunted and barren, shorter than usual and its gayeties less diffused. The owner of house property is disappointed. Those who let houses early have done fairly well, but those who held back for the extravagant rents expected as the day drew near are finding themselves left. Flats are a drug in the market, and those who refused to renew leases on the old terms now find themselves tenantless. They and the houseowners are as badly off as the speculators who bought up windows and frontages at enormous rents, and now cannot let them at any price. How se vere is the slump is shown by the fact that rooms for which \$1,000 or \$1,500 was asked a few days ago are now being let for \$100. But whoever is disappointed, whoever has failed to grind his axe, it is pleasant to be able to say that the central figure of the whole celebration, the Queen, is in excellent health and spirits, better in fact than she has been within the last six years, and taking the greatest personal in terest in all the arrangements being made for her jubilce.

that it will be useless to take out their cabs at

all; they would have to pay the usual price, and

Service Institution Col. E. C. Browne read a paper of considerable interest on the importance of the rifle in modern warfare. Col. Browne in sists that skilled infantry will be all important in the war of the future. But evidently the British army does not come up to his requirements. He maintained that skill, however great, in shooting at a fixed mark, in any posi tion, was no guarantee of accuracy such as would be necessary under the conditions of actual fighting, when the object aimed at would be in movement and the marksman himself would be in a hurry. Referring to the shooting of the volunteer forces, which is superior to that of the regular army, he expressed his admiration for the skill of the "Queen's sixty," but gave his hearers a warning against the impression that they would make short work of any number of Soudanese or Burmese Dacoits. It by no means followed that this would be the case, as they never rehearsed the work of shooting quickly, steadily, individually, or in volleys under conditions which would obtain in combating a moving and agile enemy. He referred to what he called the eye-opener given to the British army in the Boer war of independence, when the young British soldiery, whose only training had been the ranges, "found themselves not in it against the quick, accurate and deadly fire of their opponents." He strongly urged the necessity of shooting at dummies in pelled forward and backward, moving and vanishing figures of men, and other devices calculated to develop the genius of true marksmanship. Future battles were not going to be won by the possession of this rifle or of that, but by the skill displayed in its use. All modern rifics of the first class were excellent, "exquisite seyond the most sanguine dreams of those who fought with the Brown Bess," but he maintained that no army has ever yet appeared in the field who could use them properly. "Should an army," he said, "strong in courage and enthusiasm, and composed of skilled shots, appear one day upon some European battlefield, certain it was that the effect of its infantry fire would be astonishing, and would more than compensate for inferiority of numbers, and even a lack of manœuvring power." Excellence in rifle shooting he described as the pith and marrow of modern soldiering. The fire of a skilled infantry would in the future be terrible. With smokeless, noiseless powder, with rapidfiring, flat-trajectory rifles, it must be all-destroying.

Since 1890 some very interesting excavations have been carried out at Silchester, ten miles southwest of Reading. The site is that of a Romano-British city, the bounding wall of which is nearly two miles in circuit. Systematic exploration has brought to light public edifices, temples, forum, Christian church, residences, shors, traces of trades, and other evidences of the former existence of a purely civil community. The results of the last year's work have been sent to the Society of Antiquaries for exhibition, and make a very interesting display. One is the drawing by G. E. Fox of a fragment of a colossal statue found in the basilica, which probably represented the guardian deity of the bears a municipal crown. Further examples have been found of the dyers' fur-

naces, shops and bleaching ground. Another interesting discovery was a tub well. which has been successfully brought out. The well was sunk in the native soil to the depth required to reach the water supply. A square curb, formed of 6-inch square oak balks about 4 feet long, dovetailed together, was laid on the bottom. Upon it rested a round tub or barrel 3 feet in diameter, made of fir staves 3 feet 9 inches long by 5 inches wide, the whole hooped with birch hoops. A second tub was stood on the top of the first, and the interspace between the tubs and the sides of the well was filled by pugged clay well rammed in. Above this the well was steened with flints.

In emptying a pit, a curious cutting, 6 feet deep and 3 feet wide, tapering to a foot at the bottom, was disclosed and followed for 700 feet. The discovery of remains of iron collars at regular intervals showed that a wooden pipe had been laid in the cutting, and it is supposed that it was for the purpose of bringing water from the city ditch for the service of the public baths. Many slabs of Purbeck marble, and of a purple, green, and white Pyrenean marble, have been obtained. A small fragment of Egyptian porphyry was found near the cast gate, and a perfect whiteware bottle-necked vase of very elegant shape is one of the most valuable prizes. During the past year there have also been brought to light a large and important house of the court yard type, and two houses of the cor ridor type. Traces have also been found of what were probably wooden structures. Roman wood relics are very rare, owing to the perishable na ture of that material, consequently the leg of domestic stool, in turned hard wood, although broken, is one of this year's most cherished rari tios.

THE WITTHAUS DIVORCE CASE. Mrs. Witthaus Asks for Increased Alimony Pending a Suit for Absolute Divorce.

NEWBURG, June 5 .- The Witthaus divorce case was revived before Judge Hirschberg here to-day. The plaintiff is Mrs. E. F. Witthaus, and the defendant Dr. Rudolph A. Witthaus, Professor of Chemistry and Physics in the Uni versity of New York, and Professor of Chemis try and Toxicology in the University of Ver

versity of New York, and Professor of Chemistry and Toxicology in the University of Vermont. The income of Dr. Witthaus is given as \$18,000 a year, and he is said to own a library worth \$30,000 and to have a laboratory worth \$10,000. A separation from her husband was granted Mrs. Witthaus by Judge E. Dykman in 1896, with alimony at the rate of \$2,000 a year and \$500 counsel fees. At that time Dr. Witthaus first attempted and failed to get a divorce from his wife. His failure was followed by the successful effort of his wife to secure a judicial separation from him.

Mrs. Witthaus does not feel satisfied with the amount of alimony she is receiving, and there are other matters in connection with the case as developed in court today. Lawyer Wandoll of New York moved for increased alimony and more counsel fees, punding action for absolute divorce. He urged Dr. Witthaus large income, and said that \$2,000 was not enough for Mrs. Witthaus in her enfeebled condition. He said Dr. Withaus in her enfeebled condition. He said Dr. Witthaus now makes twenty five separate and distinct charges of infinity against the physician from 1853 to 1806. Lawyer Westbrook of New York, for the defendant, said that the alimony had always been paid promptly and that the decree of separation by Judge Dykman was an absolute bar while it lasted of any further suits of this kind. He said that Mrs. Witthaus was not seriously ill and lived in an expensive New York flat. He denied emphatically that the doctor's income was what the plaintiff's lawyer stated, and declared that the fees said to have been received were greatly overstated. He said that the suit was only commenced to harass Dr. Witthaus.

When Lawyer Washell returned to the fray he did so with great warnth, saying that Dr. Witthaus had lived in seventy-seventh street in fine style with a certain woman. He mentioned the woman's name, but so low that no one heard it. He said the brought this suit out of New York fat the new tone.

the Tombs cellar:
City of New York, as.
Jacob fludson, a black, of 127 Anthony street, being duly sworn, says that on the 20th of October, 1827, isaturday afternoon, a black woman who said her name was busan, asked liberty of deponent to leave a looking plass, a basket, ashawi, and a bed at deponent's home for a little while and she would call and take them away, and said she was going to come back. Deponent bath not seen the said Susan since, and have brought the articles to the police office. Never before saw Sasan.

Sworn this 23d JACOB x HUDSON.
Octr., 1827.
J. Hopson.
Susan Shith, now living with Mrs. Casada next to Mr. Bunker in Broadway, being duly sworn, says:
That the above-mentioned goods, vis.: a looking lease, a basket, a shawi, and a bed is her property, and that she ieft them at the house of Hudson, 127 Anthony, and the receipt of the same is hereby so knowledged.

Swurn 28th Oct. 1827.
J. Hopson also acknowledged the affidayit of J. Hopson also acknowledged the affidavit of Watchman Forbell, who swore that one David Peck did on Oct. 29 lead a cow through the Bowery and "sassed" said watchman for asking said David where he was going with the cow. Said watchman arrested said David for being "sassy."

NOTES OF LEGAL EVENTS.

One of the most important decisions an nounced during the week has been that of Judge LOVE TALE OF 1803 FOUND IN A Charles H. Simonton of the Circuit Court of the United States in the Fourth Circuit, in reference to the South Carolina Dispensary law. This eser Praised Mary's Eyes, Whereon Mary Missed Said Ebenezer-He Forget to Apstatute does not probibit the sale of liquor in pear on the Wedding Day-Marriage Certifithe State, but recognizes the liquor traffic as cate Annexed-Bride Is 110 Now, If Alive. legitimate and proper, and simply attempts to Contractors J. K. Brown and Michael Rofrano, restrict the business to the establishment knows who have the contract for removing the old as the State Dispensary and to some eighty sub-Tombs building, notified the Water Purveyor a ordinate dispensaries, maintained under the sanction of the State Government Itself. Judge few days ago to shut off the water supply from the old Tombs. Word came back that the con-Simonton holds that the State cannot thus en gage in the liquor traffic and at the same time tractors would have to do that themselves, as the Water Purveyor's men were too busy. The forbid the importation of liquor in the original packages from other parts of the Union, or its contractors then engaged a plumber to shut off sale in such packages for personal use and conthe water, and the plumber, after investigating sumption. Such a prohibition is declared to be the master, said that it would be necessary to cut a main pipe under the street, owned by the city. The plumber would not undertake the job because he an interference with interstate commerce which the Federal Constitution will not permit. The decision practically nullifles the South Caroline believed it would make him liable to Dispensary law, and destroys the monopoly in arrest. Contractors Brown and Rofrano then the liquor business which the State sought to notified the firm of P. J. Carlin & Co., who have set up for itself.

> teresting question of constitutional law concerning the liquor traffic has just been decided. The Constitution of Texas provides for a popular vote in particular localities to determine from time to time whether the sale of intoxicating liquors shall be prohibited within the county, town, or city limits. The Legislature passed a local option law, under which such vote could be taken, but this act declared that a vote in favor of prohibition should not be construed to prohibit the sale of wines for sacramental purposes nor alcoholic stimulants as medicines. The validity of the statute was attacked on account of this declara-tion, but the Court of Criminal Appeals has held that this part of the act does not affect its prin cipal provisions, which direct the submission to the people of the precise question prescribed in the Constitution. The court intimated that there had never been any evil in the sale of in toxicants for medicinal uses or of wine for sacramental purposes, and that the general language used in the Constitution could hardly be deemed to apply to the disposition of liquor or wine under such circumstances.

In Texas, as well as in South Carolina, an in

The announcement comes from Albany that the Statutory Revision Commissioners are about to undertake to revise the Code of Civil Procedure on an entirely new plan. This scheme contemplates a division of the existing code into four separate and distinct statutes to be known respectively as the Judiciary law, the Descend ants' Estate law, the Justices' Court law, and the Code of Civil Procedure. In other words, a good deal of matter will be taken out of the Code of Civil Procedure that never ought to have been put there at all; for such a code should contain only those provisions of law which relate to the conduct of suits and other proceedings in the courts. The separation of these regulations from the mass of substantive law that has been incorporated into the Code of Civil Procedure in the past twenty years would be an improvement; but we fear that the claborate scheme devised by the Statutory Revision Commissioners will only result in greater comready exist. The courts will have quite a task presented by the Greater New York Charter. A new Code of Civil Procedure would add a great burden to their labors and those of the bar.

The assumption that the morphine habit may be an inducing cause of kleptomanta evidently induced the Middlesex County Sessions to deal indulgently with Jane Green, "a lady of good osition," who was recently charged before that tribunal with the larceny of "a box of Turkish delight." The defendant pleaded guilty, but her counsel assured the bench that she was in no want of money, but had sufficient means to enable her to live comfortably, and naked that she be treated leniently on the ground that the theft was due to the effects of the excessive use of morphine. It appeared that she had consumed as much as ninety-six grains of morphine in a single week. The magistrate suspended judgment, upon the defendant giving security in £50 to appear for sentence when required. The quantity of morphine taken by this lady was very large, but not equal to the enormous doses endured by habitual opium caters. De Quincey's daily consumption of laudanum was equivalent to 5712 grains of morphine, and there is a case on record where 120 grains were taken

in the presence of
"Ebenezer F. Burling, Mary Murphy,
"Cath. Sherman, Robert Smith."
Another of these documents, showing that
Alexander Stewart of Ballycastle, in the county
of Antrim, was apprenticed to Mr. John Garfield
to learn the trade and mystery of a carpenter,
was dated Sept. 9, 1798.
Many of the apprenticeship papers found in
the Tombs bear English and Irish seals.
Among a batch of dispossess notices was one
ordering Phineas Barton to remove forthwith
from the premises, 67 Duane street, owned by
James Murray. Barton was ordered to move
from the buliaing on or before May 7, 1823, or
show cause at the police office in the City Hall.
One of the documents is the record of an examination held before Jacob De La Montagne,
Special Justice, dated Nov. 18, 1803. Ebenezer
Jamus, 26 years old, is charged with refusing to
marry Mary Rafferty, 20 years old. In her
complaint she says:

"The said Ebenezer came to my mother's
house in the spring of the year, and came two
and sometimes four evenings in each week of
the summer. He did say to me, deponent, these
words: 'Marry, your eyes are the lights that
shoot forth fire that burns my soul, and if you
do not promise me while I kneel before that I
only you shall wed, I shall this night pass from
earth over the keen blade of this knife.' And
the said Ebenezer did produce a knife, whereupon said deponent said: 'I shall marry you,'
whereupon said deponent kissed said Ebenezer,
and said Ebenezer kissed said deponent, and
said Ebenezer said: 'We shall be married on
September 4 in the evening.' But on the said
4th day of September the said Ebenezer did not
appear, when said deponent waited then and
now for said Ebenezer.'

The disposition made of the case was shown
in a marriage certificate attached to the papers is proverbial, and is aptly illustrated by a recent decision of the highest criminal court in that State. The defendant was prosecuted for shooting into a church. The complaint upon which St. Paul's Methodist Church. The information for formal accusation corresponding to an indictment, upon which he was brought to trial) The disposition made of the case was shown in a marriage certificate strached to the papers dated five days after the hearing before Justice De La Montagne. If the bride is still living she is 110 years old. charged him with shooting into St. Paul's Church. The Court held that these were two distinct names, and might be entirely different places, and that the information ought to have been quashed on account of the variance.

date, John O'Conner, the foreman of the gang of men tearing down the Tomba, found the following:

"(ity of New York, 88.

"William Launder, brought up and examined, says that he is 32 years of age; has a wife here and three children in England; left England for this place, where himself and wife arrived in the Isaac Hicks packet about the 23d of August or September, 1825; came here with letters to Mr. Emmet in order to recover an estate which was left to him and others; first wont to live at Sykes's, and was there four months when Sykes ran off and cheated him out of his wages; then went and kept a billiard table at 30 Reid street, from thence to 51 Division street, where he kept a book shop; left that and kept a billiard table in the 'Paul Pry House.' Bowery, and quit there about the latter part of July last, and now lodges in Catharine street at Harrison's, No. 45, where he pays two shillings a week for a room. He keeps Wilson's accounts and does his little business about the city, for which he receives about three or four dollars a week just as he wants it, and that is the way that he lives at present. Most of his clothes, &c., are in pledge at Stevenson's in Chatham street. Wilson carries on a basket factory at 75 Division street, and has six men in his employ. There is no particular agreement between the examined in the Can get remittance from his mother in England and then return there. Mr. Wilson furnishes Mr. Knowlton of Broadway, a wilson the work is kept by deponent. Wilson can startedly write his name.

"Taken 20: Oct. 1827.

'Abraham Wakenting.

"This man is a supposed forger. Discharged from custody."

Here is enother sample of courtexaminations, with showed that in the twanties in matter and the showed that in the twanties in matters. A stay of proceedings, of indefinite duration, appears to have been obtained in the case of Theodore Durrant, who is under sentence of death for the murder of Blanche Lamont in the bell tower of a church in San Francisco in April, 1895. Since his conviction was affirmed by the Supreme Court of California, repeated efforts have been made in his behalf to procure a review of the case in the courts of the United States on the ground that various Federal questions were involved. These have at last been so successful that Circuit Judge William B. Gilbert of Portland, Or., has granted Durrant's counsel leave to appeal to the Supreme Court at Washington from an order of the Federal Court at San Francisco denying an application for a writ of habeas corpus. Pending this appeal proceedings for the execution of the prisoner are stayed, and the appeal cannot be heard until the Supreme Court of the United States meets in October. Chief Justice Beatty of the State Supreme Court some weeks ago refused to grant a writ of error to take the case to the United States Supreme Court, saying: "It does not appear that any right secured to the petitioner by the Constitution or laws of the United States has been denied or violated and no such question has been presented by the record." He was thus evidently of the opinion that there was no Federal question to review, although he dissented, when the case was in his own court, from the action of the majority in affirming the judgment against Durrant.

On Friday, in the Orphans' Court in Philadel phia, Presiding Judge Hanna decided that the new Pennsylvania statute imposing a direct inheritance tax of 2 per cent, upon personal property in excess of \$5,000 was unconstitutional and void. The Constitution of Pennsylvania provides that all taxes shall be uniform upon the same class of subjects, within the ter ritorial limits of the authority levying the tax; that the General Assembly may exempt public property, places of religious worship, places of burial, and institutions of purely public charity; and that "all laws exempting property from taxation other than the property above enumerated shall be vofd." The Court holds that this last provision is violated by the direct inheritance tax law in so far as it assumes to exempt property from taxation thereunder to the

member of the Georgia bar in Bibb county in the course of a trial for assault with intent to commit murder. The prisoner's counsel argued to the jury that no great harm would have been one to society, and that the law would not have been seriously outraged if his client had slain the man whom he assaulted. Judge William J. Felton, Jr., who was holding the court, would not tolerate this line of argument, and compelled counsel to abandon it, but in finishing his remarks, by way of reprimand, he said: "It is, unmarks, by way of reprimand, he said: "It is, unfortunately, too close to the truth that the present state of the public mind almost justifies the assertion that punishment is more certain to be imposed for the killing of a dog than for the killing of a man." The Saranaah Frees praises Judge Felton for his course, and the evils which he criticises must be widespread if it be true, as is stated, that a single Judge in Atlanta has sentenced forty murderers within the last twelve months and yet there has been only one execution. THE MISSISSIPPI.

AND THE MISCHIEF IT MAKES

lowe Important Observations from One of the Most Competent Critics of the Day-The Lines I pon Which a Great and Perplexing Rugineering Problem May Be Solved. TO THE EDITOR OF THE SUN-SIT: THE SUN OF

May 30 contained an anonymous article in defence of the levee system from which the writer s compelled to dissent. With no personal in terest in the question whatever he must protest egainst a system which in the opinion of competent and practical engineers will cause great destruction of life and property, and inevitably, if persisted in, render the lower Mis sissippi Valley uninhabitable and cause the abandonment of the plantations. The opinion of the writer, as set forth in the

Sunday issue of THE SUN of May 23, is that no single system yet proposed-neither the levee, the outlet, the revetment, or the jetty-will solve the problem; but there must be a combination of all, intelligently applied to existing conditions by skilful engineers after careful study of lo calities; but more efficient than any, and one that has been apparently overlooked, is a sys tem, not of low water outlets, but of high water waste weirs, that will have no influence upon the ordinary navigable stage, but will relieve the excess in flood and prevent crevasses by substituting permanent facilities for discharge. This principle has been universally recognized in the construction of canals. When, in time of

excessive rains, the feeders of the summit levels bring in sufficient water to endanger the banks and cause miniature crevasses, every engineer who understands his business will provide waste weirs, over which the water pours when it has reached a certain level and is discharged by the natural water courses of the country.

That a principle so well known and so con-

stantly applied in canal engineering should not have been recognized and utilized in the improvement and protection of the Mississippi Valley is beyond comprehension. Nothing has ever been suggested that can compare in efficiency with a properly arranged system of waste welrs. There are a number of points where a large portion of the flood waters of the Mississippi could be turned into the Atchafalaya and other secondary streams, and discharged by short cuts into the Gulf. If the ridges west of the St. Francis and cast of the Yazoo were not too high to be cut through by a reasonable expenditure of capital, an immense volume of the flood waters could be diverted into streams which have not half the distance to the Gulf, and by increased slone would give a more rapid discharge.

It may be suggested that even a cut of cor siderable depth, to secure a connection with a secondary stream, might not be beyond the limits of reasonable expenditure. As the material is entirely alluvial, a stream, small at first, would soon enlarge itself, and would do the work of transportation in effecting such en-

Col. C. P. Goodyear has demonstrated that dynamite can be used as a most effective agent to loosen large quantities of material to be transported by ocean or other carriers. In this way he has increased the depth of water on the outer bar at Brunswick, Ga., from 14 to 25 feet with an expenditure of capital only about one-tenth of that usually required, and no good reasons can be assigned why dynamite could not be used in the enlargement of rivers as well as of ocean channels. The velocity of flow in the outerflow of the used in the enlargement of rivers as well as of ocean channels. The velocity of flow in the outerflow of the secondary streams and the material thrown in would be carried to the mouths of the secondary streams, which streams might in many cases be straightened and the velocity and transporting power increased by entiting off some of the horseshoe bends.

The reader is referred to the article of May 23 for a more detailed explanation of the proposed system of improvement.

Your correspondent of May 30 is an advocate of continuous levees, but the arguments by which his positions are supported appear to be failucious. They will be briefly considered. It is claimed that since the levees of the lower Mississippi have been strengthened they have not broken, and the conclusion reached is that if all the levees were made of equal strength crevasses would be impossible. This is a great mistake and may lead to most serious consequences. The strong ievees were unbroken simply bocause the weaker ones gave way. There must be relief somewhere, and this is so well understood that the strong levees must often be protected by large forces of armed men to prevent owners of plantations on the opposite side of the river from cutting them to provide an outlet for discharge and thus protecting their own property at the expense of their neighbors.

Before preparing the article of May 23 the writer procured and read hundreds of pages of reports, testimony, argument, and discussions, and sought to eliminate error and di Col. C. P. Goodyear has demonstrated that

in times of nood, but it is not continuous. The tendency is to dig holes and form shoals. In narrow places, with levees or high banks, a scour will carry off material from the bottom, but this material will be quickly deposited when an enlarged cross section is reached. If the river were straight, the cross section uniform, the velocity and the volume constant, conditions would be widely different, and theories which apply to such assumed and impossible conditions do not fit the extreme variations that actually exist.

It is an established fact that an immense mass of material is brought into the Mississippi by the tributaries, and that the finer particles only reach the Gulf. What becomes of the remainder and of the additional mass abraded from the banks by the action of the currents! With free overflows a large portion of this material would form deposits upon the swamms and low lands, but with continuous levees of sufficient height and strength to control the floods the only place of deposit would be the bed of the river, and to assert that these deposits would not cause the bed to rise would be contrary to fact and to common sense.

and strength to control the floods the only place of deposit would be the bed of the river, and to assert that these deposits would not cause the bed to rise would be contrary to fact and to common sense.

If, as geologists assert, the delta extends from the mouth of the Ohio to the passes at the fettles, then the level at the commencement of the deposits must have been the level of the sea, and the subsequent rise from deposits has been more than 300 feet, not only in the bed of the stream, but over hundreds of square miles of area.

It has been stated that one-half the water brought into the Mississippi in time of flood from the tributaries overflows upon the low lands, where there are no levees, and after depositing its burden of earthy material, finds its way to the Gulf through the awamps and secondary channels, and to that extent relieves the main stream, so that authorities assert that the flow at Lake Providence, New Orleans, and the lower missispip generally is only about one-half of the volume that it would be necessary for the river to discharge if lovees were built so high, strong, and continuous as to prevent any overflow.

In the consideration of the Mississippi problem some facts must be borne in mind.

In the ordinary stage of water the fall is said to be 5 inches from Memphis to Vicksburg, 31s inches from Vicksburg to the mouth of the Red River. New Orleans, and only 1 inch or loss from New Orleans to the Gulf.

The material carried into the Gulf is so fine that if a quart of the water be placed in a glass jer and set away to settle it requires ten days for the water to become clear, and yet the quantity of this material carried into the Gulf is so from the past have a continued

of the discharge has nearly doubled in the past-thirty years.

The information is not given at what point the information is not given at what point the lower river it would be more reasonable to charge the double discharge to the extension of the levees rather than to the destruction of the forests. If the safety valves are closed and overflows along the upper river prevented, a much larger volume must be sent below. The principal volume comes from the Missouri and other tributaries flowing through prairies, where there are no forests, and the effect of forest destruction has no doubt been greatly overestimated.

The only solution of the problem of the Mississippi consists:

sippi consists:
1. In reducing the volume of flood discharge in the main stream to a minimum by diverting the greatest practicable amount into the secon-dary channels by cut-offs and by waste weirs of permanent character at such elevation as not to drain the stream below the stage required for naximating

navigation.

2. In the improvement of the secondary streams so as to cut off horseshoe bends and facilitate a rapid discharge into the Guif.

3. In facilitating the deposits of sediment to the

greatest possible extent upon the swamps am low lands of the secondary streams for the dow ble purpose of reclaiming and enriching the land and of removal of material which must other wise form deposits upon the bed, or at the ist ties, and thus become serious obstructions to ties, and thus become serious obstructions

navigation.

These suggestions are of a general character no invariable rule or mode of construction can be prescribed. Plans must be controlled by localities and conditions, and it is a mistake to se sume that the levee system or any other system or will alone give satisfactory results; there must be combinations and variations, the determination and application of which must be left to the engineer in charge.

Hennan Haupt. navigation.

MRS. GRATTAN WANTS A DIVORCE lays Her Husband Has Established a Young Woman in a Flat.

Mary S. Grattan, the wife of William E. Grat

tan, the receiving teller of the First Nations Bank in Jersey City, has filed a petition in the Court of Chancery for divorce. The marriage took place on April 10, 1877. The bride was th daughter of Garret M. Oimstead. When Ma Olmstead died he left a large share of his for tune to his daughter. Mr. and Mrs. Grattas went to live with the widow in a large double brownstone house in Kensington avenue. Two
children, a boy and a girl, were born. The gir
died and the boy is now about 17 years old.
The estrangement began about a year age
The family had removed to Gifford place, and is
order to keep up appearances and prevent sean
dal Mr. and Mrs. Grattan continued to occupy
the same house, although they were not of
speaking terms. Mr. Grattan escorted his wift
to society functions, and so far as the public
could observe they were devoted to each other
Mrs. Grattan alleges in her bill of complain
that her husband established a young woman is
a handsomely furnished flat in West Thirty
eighth street, this city, and that he visited the
flat frequently. The specific dates mantioned
are Jan. 26, Feb. 1, and May 1, 1896. The nam
of the young woman is not known to Mrs. Grat
tan, but she alleges that Mr. Grattan is now ity
ing with her. Mrs. Grattan is living with her
mother and son in Gifford place. brownstone house in Kensington avenue. Two

MARINE INTELLIGENCE.

MINIATURE ALMANAU—THIR DAY.

Sun rises.... 4 30 | Sun sets... 7 27 | Moousets..11 66 HIGH WATER-THIS DAY. Sandy Hook. 12 22 | Gov. Ist'd. 11 54 | Hell Gate.. 1 49

Arrived-Satunday, June 5. Se Etruria, Ferguson, Liverpool May 29 and Que

own 190th.

Sa Paris, Watkins, Southampton May 29.

Ba Teviotdale, Gerdes, Antwerp.

Be Whitehali, Mills, St. Vincent, C. V.

Sa Vineta, Thomson, Progreso.

Sa Athos, Owen, Port Limon.

Sa Guyandotte, Dayls, Norfolk.

Bark J. B. Rabel, Mitchell, Rosarto. [For later arrivals see First Page.]

ARRIVED OUT Sa Cevic, from New York, at Liverpool

SIGHTED. Sa Umbria, from New York for Liverpool, passes

SAILED PROM FORRIGH PORTS. Se St. Paul, from Southampton for New York.
Se Campania, from Liverpool for New York.
Se Campania, from Liverpool for New York.
Se Friesland, from Antwerp for New York.
Se Friesland, from Antwerp for New York.
Se Bremen, from Bremen for New York.
Se Amsterdam, from Amsterdam for New York.

OUTGOING STEAMSHIPS Mails Closs. Mississippi, London Sall Tuesday, June ! Ennsas City, Savannah Sail Wednesday, June 9. Due To-Day.

Due Monday, June ? Due Tuesday, June 8.

City of Birmingham Havana.

... Gibraltar ... Jacksonville ... St. Thomas raday, June 10. Michigan Patria. Richmond Hill Due Priday, June 11.

Business Notices.

Club men and all other connecters of good liquors never allow them to be spoiled by the addi-tion of impure mineral waters and always ask for CARL H. SCHULTZ'S.

N. Clark, Restaurateur, 23d St.-Menus and esti-nates for receptions: rooms for dinners and suppers. Dr. Siegert's Augustura Bitters is known all over the world.

MARRIED.

DENNIS-RANKIN. -On Wednesday, June 2, 1897, by the Rev. Charles E. Little of West Side Avenue M. E. Church, Ida Corey, daughter of A. G. W. Rankin, to Howard Vincent Dennis, both of Jersey

ICFADDEN-STIVERS. -In Paterson, N. J., at the Church of the Re-leemer, Wednesday, June 2, 1897, by the Rev. David Magie, D. D., Martha Wilcox Stivers and George Howard McFadden, M. D., of Hackensack, N. J.

TORRES SMULL -On Saturday, June 5, at 86. Agnes's Chapel, New York city, by the Rev. Dr. Edward A. Bradley, Elsie Smull, daughter of the late Thomas Levan Smull, to Charles Platt Stores.

BRUSH .- At his residence, 113 West 69th st., on Thursday, June 8, after a lingering illness, Charles B. Brush, in his 50th year. Relatives and friends are invited to attend the funer.1 services at the Central Presbyterian Church, 57th st., between Broadway and 7th av.,

on Sunday, June 6, at 2 P. M. GURRIN. -On Saturday, 5th inst., Rev. L. J. Guerin. pastor of St. Andrew's Church, Sag Harbor, L. L. Notice of funeral bereafter.

LEE.-At S Gramercy Park, on Thursday evening. June 3, 1897, Mary Hay, wife of Benjamin Frank-lin Lee and daughter of the late James Gore King, in the 49th year of her age.

Puneral services at Calvary Church, 4th av. and 21st st., on Monday, June 7, at 10:30 o'clock A. M. McM RON. -At his residence, 788 Bedford av., Brooks

lyn, on June 5, in his both year. Belativ a and friends are invited to attend funeral on Tuesday, at 9 o'clock A. M.

POST. -Suddenly, on Thursday, June 3, Samuel L. Fun-ral services will be held at his late residence

510 Madison av., on Sunday, June 6, at 2 P. M.

Crematories are the cometeries of the store—U. S. CHEMATION CO., (LD.,) 02 East THE NEWSCO CEMETERY -Private station, Har-lem Railroad: 43 minutes ride from the Grand Central Depot. Office, 16 Hast 421 at

Special Motices. ECZEMA POSITIVELY CURED.

Written guarantee in earry case. No failures, reatment baluless. Main and female medical at-endants. Hours to A. M. to 5 P. M. Consultation rue, 1244 Broadway, Suite 87. STEAMS SRPETS . ESSESSES that . H Brown Co., 201 E. dath st. tele., that with altering and relaying.

Religious Hotices.

AT SOUTH CHURCH, Manhon av. and little & Bervices at 11 & &